



Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

2003 asp 15

PART 1

METHODS OF FISHING AND OFFENCES RELATED TO FISHING

Methods of fishing

1 Methods of fishing: salmon

- (1) Any person who fishes for or takes salmon in any inland waters, except—
 - (a) by rod and line;
 - (b) by net and coble; or
 - (c) subject to subsections (4) and (5) below—
 - (i) by cruive; or
 - (ii) in the Solway, by a certificated fixed engine or a haaf net,shall be guilty of an offence.
- (2) Subject to section 25 of this Act, any person who fishes for or takes salmon in any waters in a salmon fishery district other than inland waters except by—
 - (a) rod and line;
 - (b) net and coble; or
 - (c) bag net, fly net or other stake net,shall be guilty of an offence.
- (3) Without prejudice to section 294 (attempts to commit crime) of, and paragraph 10 of Schedule 3 to, the Criminal Procedure (Scotland) Act 1995 (c. 46), any person who attempts to commit or who does any act preparatory to the commission of an offence mentioned in this section shall be guilty of an offence, and liable to the same punishment as if that person had committed the offence mentioned.
- (4) In relation to cruives—
 - (a) a right of fishing by cruive may be exercised if, and only if, it was in existence before 10th May 1951; and

- (b) if a question arises in any proceedings as to whether any person is entitled to use a cruive it shall be for the person using or seeking to use the cruive to show that that person is, or has the permission of another person who is, so entitled.
- (5) For the purposes of subsection (1)(c)(ii) above—
- (a) “certificated fixed engine” means a fixed engine certificated as privileged under section 5 of the [Solway Salmon Fisheries Commissioners Act 1877 \(c.ccx1\)](#), and if a question arises in any proceedings as to whether any fixed engine is so certificated, it shall be for the person using or seeking to use the fixed engine to show that it is so certificated;
 - (b) in relation to haaf nets—
 - (i) a right of fishing by haaf net may be exercised at any location if, and only if, it was in existence before 10th May 1951; and
 - (ii) if a question arises in any proceedings as to whether a person is entitled to use a haaf net, it shall be for the person using or seeking to use such a net to show that that person is, or has the permission of another person who is, so entitled; and
 - (c) “the Solway” includes the rivers, streams or other watercourses running into the Solway.
- (6) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

2 **Methods of fishing: freshwater fish**

- (1) Subject to subsections (3) and (4) below, any person who fishes for or takes freshwater fish in any inland waters except by rod and line shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) Without prejudice to section 294 (attempts to commit crime) of, and paragraph 10 of Schedule 3 to, the Criminal Procedure (Scotland) Act [1995 \(c. 46\)](#), any person who attempts to commit or who does any act preparatory to the commission of the offence mentioned in subsection (1) above shall be guilty of an offence, and liable to the same punishment as if that person had committed the offence mentioned.
- (3) In any pond or loch where all the owners are agreed, a right of fishing may be exercised by net.
- (4) In any inland waters an owner or occupier may fish for or take freshwater fish, other than trout, by net or trap.

3 **Use of gaff, tailer or landing net**

Nothing in section 1 or 2 of this Act shall be construed as prohibiting the use of a gaff, tailer or landing net as auxiliary to the taking of fish by rod and line.

4 **Meaning of “rod and line”**

- (1) In this Act “rod and line” means single rod and line (used otherwise than as a set line or by way of pointing, or by striking or dragging for fish) with such bait or lure as is not prohibited by this section or, in relation to fishing for salmon, under section 33 or 38(5)(b) of this Act.

(2) It is prohibited to use fish roe, fire or light as bait or lure.